

# Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **June** \_\_\_\_, **2014**, by and between **THE STATE OF INDIANA** acting through the Indiana Department of Administration, ("Seller") and \_\_\_\_\_, ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property (collectively, "Property"):

- 1.1 Property. The property commonly known as **~4241 N 625 E, Lafayette, Tippecanoe County, Indiana**, described on the attached **Exhibit A** ("Land") together with all buildings, improvements and fixtures constructed or located on the Land ("Buildings") and all easements of record and rights benefiting or appurtenant to the Land (collectively the "Property"), subject to all existing legal rights-of-way, easements, conditions and restrictions of record.
- 1.2 Access. The subject parcel currently has limited public access or right of entry. The buyer will be responsible for gaining legal access to the property. Ingress/Egress permits may be submitted to the Department of Transportation and approved or denied at the agencies sole discretion. No assurance of such a permit is expressed or implied.
- 1.3 Personal Property. No personal property is being sold or conveyed as a part of this Purchase Agreement.

2. Purchase Price, Buyer's Premium, and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property shall be \_\_\_\_ Dollars (\$\_\_\_\_). The Purchase Price shall be payable as follows:

- 2.1 In conjunction with execution of this Agreement (the "Execution Date"), Buyer shall submit \_\_\_\_\_ Dollars (\$\_\_\_\_) to Seller as earnest money ("Earnest Money"). In the event this Agreement is not accepted by Seller, the Earnest Money shall be promptly returned to Buyer. Upon acceptance of this Offer by Seller, such Earnest Money shall secure the Buyer's performance of this Agreement and in the event of a default by Buyer in the performance of its obligations herein specified, Seller shall have the right to terminate this Agreement and the Earnest Money shall be paid to Seller as liquidated damages as Seller's sole remedy at law or in equity; and
- 2.2 The balance of the Purchase Price, subject to adjustments as set forth herein, shall be payable in certified funds or by electronic transfer of funds on the "Closing Date" (as hereinafter defined).
- 2.3 In addition to the Purchase Price, Buyer shall, at Closing as hereinafter defined, pay Seller's representative a 10% Buyer's premium pursuant to the terms of a separate addendum to this Agreement.

3. Contingencies and Inspection Period. The obligation of the Seller is contingent upon approval of the transaction contemplated by this Agreement as required by **IC 4-13-2-14.1, IC 4-13-2-14.2 and IC 4-20.5-7**.

4. Closing. In the event that Seller has accepted this Agreement and the parties proceed to closing, the closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur within thirty (30) days following State approval as set forth above (the "Closing Date"), **such final closing is subject to and conditional upon approval by the Office of the Governor and the Indiana Attorney General**, unless extended by mutual agreement of the parties. The Closing shall take place at a time, place, and on a date agreeable by Seller and Buyer. The Buyer will be responsible for title fees, escrow fees, and costs charged by the company with whom the earnest money is deposited as outlined in Section 5.1.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall have executed and delivered or caused to be delivered to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quitclaim Deed conveying the Property to Buyer, **an exemplar of such Quitclaim Deed is attached hereto as Exhibit B**.

4.1.2 Documents. Copies of all contracts, permits and warranties affecting the Property that will survive the Closing, if any.

4.1.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.1.4 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer title to the Property to Buyer free and clear except Permitted Exceptions to Title.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

4.2.1 Purchase Price. Funds representing the Purchase Price, by electronic transfer of immediately available funds.

4.2.2 Assumption of Contracts, Permits, Warranties and Miscellaneous Documents. An Assumption of Contracts, Permits and Warranties, if any, assuming Seller's obligations under such documents.

4.2.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.2.4 Other Documents. All other documents reasonably determined by Seller or Title Company to be necessary to complete the transaction contemplated by this Agreement.

5. Allocation of Costs. Seller and Buyer agree to the following allocation of costs regarding this Agreement:

5.1 Title Insurance and Closing Fee. Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees or recording charges. Buyer shall be responsible for payment, at or before Closing, of search fees charged by the title company from whom Seller obtained a preliminary title review and commitment. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.

5.2 Taxes and Assessments. The Property being conveyed is owned by the State of Indiana and is exempt from all real property taxes. The Seller shall assume no responsibility or liability for any real property taxes or other assessments from which it is statutorily exempt. Buyer shall be solely responsible for, and indemnify Seller against, any and all real property taxes assessed with respect to the Real Property on or after Closing.

5.3 Utilities. Seller shall either ensure that utility service to the Property is disconnected as of the Closing Date or shall cooperate with Buyer in having such utility services transferred to Seller's account. All contracts relating to operating the Property shall be canceled as of the Closing Date.

5.4 Attorney's Fees. Each of the parties will pay its own attorney's fees.

6. Evidence of Title. In the event that Buyer does not order and receive a commitment for title insurance, Seller shall, at its expense, within ten (10) days after written request from Buyer, furnish to Buyer a copy of the documents by which the State obtained or otherwise holds title or a letter from the State Land Office describing the documents by which the State obtained and otherwise holds title. Seller will cooperate with the Buyer or its title company in clarifying or resolving any perceived deficiencies or clouds in the title, but shall not be required to incur any expense beyond commitment of the time of the State Land Office. If such issues cannot be resolved to Buyer's satisfaction, Buyer may terminate this Agreement, and the Earnest Money, if any, shall be returned.

7. Maintenance of the Real Property Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date, Seller shall maintain the Property and improvements in a reasonably prudent manner. Seller shall execute no contracts, leases or other agreements regarding the Property between the date hereof and the Date of Closing that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

8.1 Existence; Authority. Seller has the requisite power and authority to enter into and perform this Agreement and to execute and deliver Seller's Closing Documents; such documents have been duly authorized by all necessary action.

8.2 Contracts. Seller has made available to Buyer a correct and complete copy of any Contract and its amendments which will survive a closing hereunder, if any.

8.3 Operations. Seller has received no written notice of actual or threatened cancellation or suspension of any utility services for any portion of the Property. Seller has received no written notice of actual or threatened special assessments or reassessments of the Property.

8.4 Litigation. To Seller's knowledge, there is no litigation or proceeding pending or threatened against or relating to the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action or claim.

8.5 Physical Condition. Seller makes no representation or warranty concerning the physical condition of the Property and puts Buyer to the obligation to satisfy itself pursuant to the contingency contained in Section 3 above.

9. Casualty; Condemnation. If all or any part of the Property is materially damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. If eminent domain proceedings are threatened or commenced against all or any part of the Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. Termination of this Agreement and return of all Earnest Money are Seller's sole remedies

10. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Commissioner  
Indiana Department of Administration  
402 W. Washington St., W479  
Indianapolis, IN 46204

With Copy to: Attorney General  
Office of the Indiana Attorney General  
302 W. Washington St.  
Indianapolis, IN 46204

If to Buyer:

With a Copy to:

Notices shall be deemed effective on the date of receipt. Any party may change its address for the service of notice by giving notice of such change ten (10) days prior to the effective date of such change.

11. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Indiana, and any suit must be brought in an Indiana court of competent jurisdiction.

12. Remedies. If Buyer defaults, and if Buyer fails to cure such default within ten (10) days of the date of notice of such default from Seller, then Seller shall have the right to terminate this Agreement by giving written notice of termination to Buyer. In the event of termination Seller will receive the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages or specific performance. Buyer's sole remedy for any default by Seller shall be termination of this Agreement and return of the Earnest Money.

13. Buyer's Examination. Buyer is relying solely upon its own examination of the Property and inspections in determining its physical condition, character, and suitability for Buyer's intended use of the Property and is not relying upon any representation by Seller or any broker, except for those made by Seller directly to Buyer in writing in **Exhibit C, which is attached to this agreement**. Buyer agrees and acknowledges that it is accepting the Property "**AS IS**" subject to all faults of every kind and nature whatsoever, whether latent or patent, and whether now or

hereafter existing, and Buyer acknowledges that it has based its decision to purchase the Property solely upon information obtained independently by Buyer. Buyer shall sign a Hold Harmless Affidavit, **an exemplar of such Hold Harmless Affidavit is attached hereto as Exhibit D**. Buyer shall acquire the Property subject to all laws imposed upon the Property by any governmental or quasi-governmental authority having jurisdiction thereof. Buyer represents and warrants to Seller that Buyer has not relied, and will not rely, upon the representation or statement, or the failure to make any representation or statement, by Seller or Seller's agents, employees or by any person acting or purporting to act on the behalf of Seller with respect to the physical condition of the Property.

14. Compliance with Telephone Privacy. As required by IC 5-22-3-7:

(1) The Buyer and any principals of the Buyer certify that (A) the Buyer, except for de minimis and nonsystematic violations, has not violated the terms of (i) IC 24-4.7 [Telephone Solicitation Of Consumers], (ii) IC 24-5-12 [Telephone Solicitations] , or (iii) IC 24-5-14 [Regulation of Automatic Dialing Machines] in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) the Buyer will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

(2) The Buyer and any principals of the Buyer certify that an affiliate or principal of the Buyer and any agent acting on behalf of the Buyer or on behalf of an affiliate or principal of the Buyer (A) except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

15. Withdrawal of Offer. This Agreement shall be deemed to be withdrawn, unless accepted by Seller, after one-hundred-fifty (150) days of delivery to Seller. In the event of a withdrawal under this section, Buyer shall be entitled the return of the Earnest Money.

16. Additional terms.

---

---

---

17. Non-Collusion and Acceptance. The undersigned attests, subject to the penalties for perjury, that he/she is the Buyer, or that he/she is the properly authorized representative, agent, member or officer of the Buyer, that he/she has not, nor has any other member, employee, representative, agent or officer of the Buyer, directly or indirectly, to the best of the undersigned's knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid any sum of money or other consideration for the execution of this Property Purchase Agreement other than that which appears upon the face of this Agreement.

**In Witness Whereof**, Buyer and the Seller have, through their duly authorized representatives, entered into this Property Purchase Agreement. The parties, having read and understood the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

**BUYER:**

---

Signature

---

Printed Name

---

Title

**BUYER SHALL TAKE TITLE OF THE PROPERTY AS FOLLOWS:**

---

**BUYERS PRIMARY ADDRESS:**

---

**SELLER:**

State of Indiana acting through the Indiana Department of Administration.

By \_\_\_\_\_  
For:

## EXHIBIT "A"

Project: NH-071-5(010)  
Parcel: 16 Excess Land

Sheet: 1 of 1  
Code: 5102

A part of the East Half of the Southwest Quarter of Section 32, Township 24 North, Range 3 West, Tippecanoe County, Indiana and that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the Northwest corner of said Quarter Section, designated as point "221" on said plat; thence North 89 degrees 32 minutes 16 seconds East 1,320.59 feet along the north line of said quarter section to the northwest corner of said half-quarter section; thence South 1 degree 00 minutes 34 seconds East 1,063.00 feet along the west line of said half-quarter section to the northwest corner of a tract of land described in Deed Record 83, page 2450, Office of the Recorder of Tippecanoe County and the point of beginning of this description: thence North 89 degrees 14 minutes 08 seconds East 400.23 feet along the north line of the said tract; thence South 61 degrees 06 minutes 21 seconds West 452.80 feet to the west line of said half-quarter section; thence North 1 degree 00 minutes 34 seconds West 213.48 feet along said west line to the point of beginning and containing 0.981 acres, more or less.

This description was prepared for the Indiana Department of Transportation by Butler, Fairman & Seufert, Inc.

Given this 4<sup>th</sup> day of October, 2007.

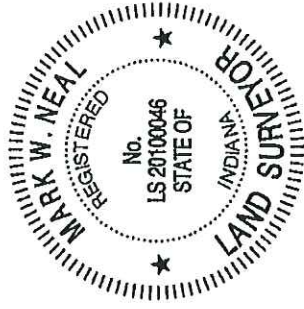
Susan M. Wood

Susan M. Wood, L.S.  
Registered Land Surveyor  
State of Indiana, No. 29800005





DRAWN BY: CVS 09/11/2007  
 CHECKED BY: SMW 09/12/2007  
 SCALE: 1" = 200'  
 SHEET 1 OF 1



# SURVEYORS STATEMENT

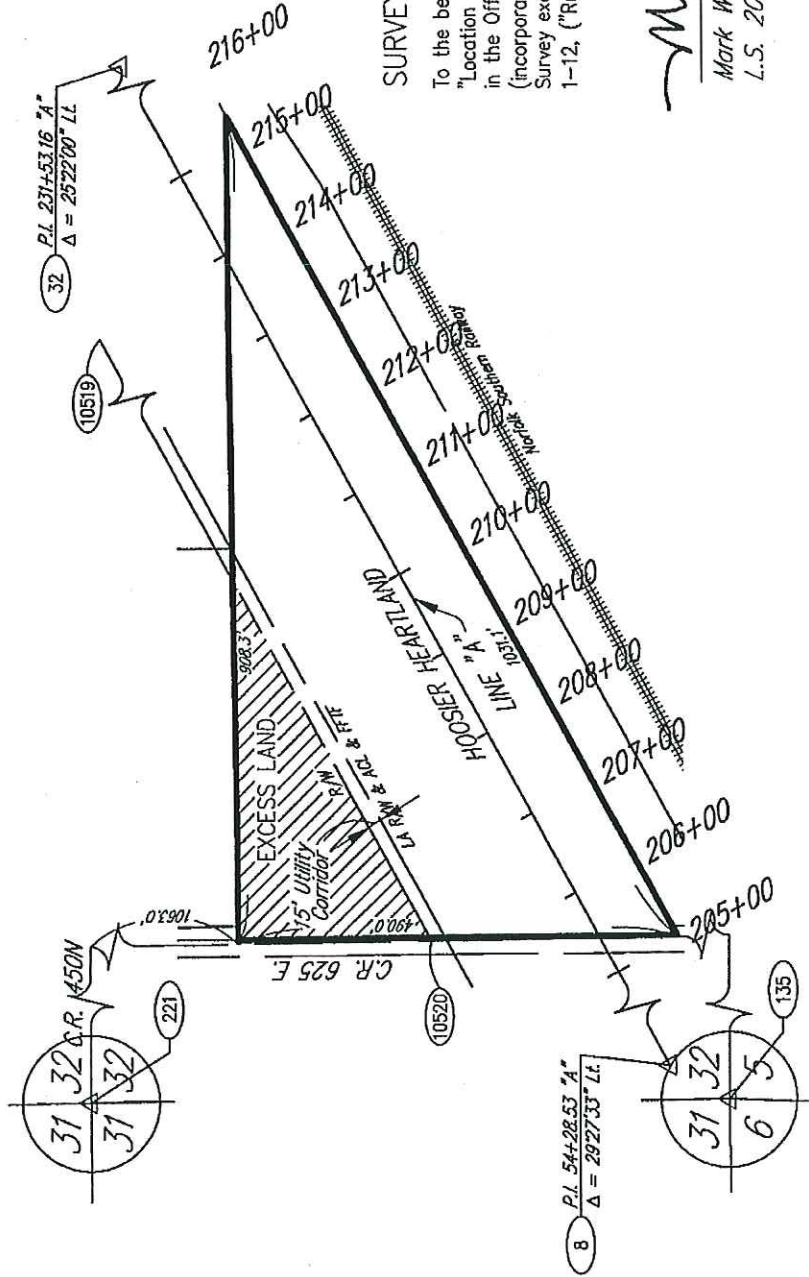
To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as (Instrument #05025942) in the Office of the Recorder of TIPPECANOE County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 11-12, ("Rule 12").

*Mark W. Neal*  
 Mark W. Neal  
 L.S. 20100046  
 11/25/2013  
 Date

OWNER: WHITE, ROBERT W., et ux.  
 DEED REC. 83, PAGE 2450, DATED 08/22/1983  
 HATCHED AREA IS THE APPROXIMATE EXCESS

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

## EXHIBIT "B"



## PARCEL COORDINATE CHART

POINT	STATION	OFFSET	CL	NORTH	EAST
10519	216+00.00	165.00 Lt.	"A"	1905761.2918	3036735.0670
10520	+1/4, 1/4 (206+30.13)	165.00 Lt.	"A"	1905292.6557	3035885.9287

SEE LOCATION CONTROL ROUTE SURVEY PLAT FOR POINTS: 8, 32, 135 & 221

NOTE: STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES AND BEARINGS AND DISTANCES

## ROUTE SURVEY PLAT

Prepared for - INDOT by Butler, Fairman and Seufert, Inc. (Job #4265.06)

Project = 4265.06

MHW 1

11-25-13 AT 11:30

R: \4265\AUTOCAD\ROW\LANDPLATS\par016.dwg




## INDOT Real Estate Surveyor's Review Certification

Project: NH-071-5(010)  
Code: 5102  
Parcel: 16 Excess Land

I, the undersigned, hereby certify that I have reviewed the excess land description and plat associated with the above referenced project and parcel prepared by others. The land description for the excess real estate does not include any of the permanent acquisition lying within the limits of the R/W acquired by the Indiana Department of Transportation.

I further certify that I have reviewed the methodology used in the preparation of the excess land description and find it mathematically sufficient for transferring title by a Quit Claim deed.

Certified this 27<sup>th</sup> day of November, 2013.



Willard E. Johnson, L.S.



## EXHIBIT B

### QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, acting through the Governor of the State of Indiana and the Commissioner of the Indiana Department of Administration, or their respective designees, and by the authority of Indiana Code 4-20.5-7-11, RELEASES and QUITCLAIMS to:

for good, valuable, and sufficient consideration, receipt of which is hereby acknowledged, the real property located in \_\_\_\_\_ County, Indiana and more fully described on Exhibit A, attached hereto and incorporated fully herein.

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the State of Indiana this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
**David L. Pippen, Designee for  
Mitchell E. Daniels, Jr. Governor**

State of Indiana    )

County of Marion    )

ss:

Before me, a Notary in and for said County and State, personally appeared David L. Pippen, designee of the Governor of Indiana pursuant to IC 4-20.5-7-17 (b), and acknowledged execution of the foregoing Quitclaim Deed this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

Notary signature: \_\_\_\_\_

Notary name printed: \_\_\_\_\_

My commission expires: \_\_\_\_\_ I reside in \_\_\_\_\_ County

[illegible]

Notary signature: \_\_\_\_\_

My commission expires: \_\_\_\_\_ I reside in \_\_\_\_\_ County

Gregory F. Zoeller, Attorney General

**Filed in Indiana State Land Office:**

This instrument prepared by Tim A. Grogg Esq. (Attorney No. 7316-03), Legal Counsel, Indiana Department of Administration, 402 West Washington Street, W 479, Indianapolis, IN 46204. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

## EXHIBIT C



## INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

PHONE: (317) 232-5533  
FAX: (317) 232-0238

**Michael R. Pence, Governor**  
**Karl B. Browning, Commissioner**

TO: **RON BALES, SENIOR ENVIRONMENTAL MANAGER, INDOT**  
FROM: **KENNETH MCMULLEN, ENVIRONMENTAL POLICY MANAGER, INDOT**  
SUBJECT: **STATE CATEGORICALLY EXEMPTED PROJECT, LA 5102, PARCEL 16 (EXCESS PARCEL)**  
DATE: **MARCH 5, 2014**  
CC: **KATIE LOGGINS, PROJECT MANAGER**

---

### ENVIRONMENTAL CLEARENCE OF STATE FUNDED EXEMPTED PROJECTS

Under Indiana code IC 13-12-4-5, the Indiana Department of Transportation has determined certain types of projects to be exempt from the State Environmental Policy Act requirements outlined in 327 IAC 11. As this project has been determined to be 100% state funded and otherwise excluded from the National Environmental Policy Act (NEPA) requirements outlined in 40 CFR 1502.22 (b) it meets the requirements of the State Environmental Policy Act. As long as funding, approval, and permitting requirements remain the same as reported on this form at letting this project is exempted under 327 IAC 11-1-3, sec. 3. (e) (1). The following table demonstrates the exemptions agreed upon by the Indiana Department of Environmental Management and the Governor of the State of Indiana in accordance with 327 IAC 11, and under the authority of IC 13-12-4 and 13-14-8.

#### Scope of Work:

INDOT and IDOA recognize that state-owned excess right-of-way exists at various locations throughout the state. This land provides no function to the state highway system in terms of serviceability or maintenance, and prohibits development of the property for productive use for residential, commercial, agricultural, or other private or public use. Additionally, state-ownership of land may reduce the availability of real estate that is subject to property taxation; revenue which could benefit the community as a whole. Selling such excess parcels of land would benefit the above causes, as well as providing the potential for additional revenue to the state from the proceeds of the sale.

The subject parcel is located 50 feet north of SR 25 and approximately 100 feet east of County Road north 625 east in Tippecanoe County, 1.15 mile southwest of the town of Buck Creek, Indiana. The subject parcel is approximately 0.981 acre in size. Disposal of the parcel would not involve construction, excavation, or demolition activities of any kind, thus there would be no impacts to natural resources or the human environment, located within the boundaries of the subject parcel.

Check all that apply	Exemption number	Project type
	1	Pipe culvert replacement
	2	Bridge painting
	3	Mowing
	4	Installation, modernization or maintenance of signs, traffic signals, pavement markings, highway lighting, and channelization within the existing right-of-way
	5	Patching and crack sealing of roadway surfaces
	6	Resurfacing existing pavement
	7	Guardrail and fence installation or repairs
X	10	Right-of-way abstracting, engineering appraising, property management and administration
	11	Landscaping and erosion control
	12	Safety projects such as pavement grooving, flare screen, safety barriers, and energy attenuators
	13	Addition or reconstruction of railroad crossing protection
	15	Reconstruction or replacement of an existing bridge crossing a stream, railroad, or roadway
	16	Addition of special facilities to an existing highway for the exclusive use of buses
	17	Slide correction measures which are not emergencies but are necessary to preserve the highway facility
	18	Modernization of an existing highway by widening less than a single line (sic.) width, adding shoulders, adding auxiliary lanes for climbing, turning or weaving, and correcting substandard curves and intersections

(Please check all that apply)

  X   This project is to receive no federal funding, permits, approval that would lead to NEPA requirements.

  X   This project does not qualify as a "Major state action as defined under 327 IAC 11-3-4.

  X   Furthermore, this action fails to meet the definition of "Significantly affecting the quality of the human environment" as defined in 327 IAC 11-3-6.

These conclusions were ascertained by a study of the work type (as listed above) and the accompanying documentation.

  X   INDOT approved Red Flag Investigation

  X   Historical/Archeological Survey

  X   Other

As the Responsible Official for INDOT as defined in 327 IAC 11-3-5, I have reviewed the documented information and attest to the validity of this exemption based on current knowledge of the project and the existing known environment.



Kenneth B. McMullen, CHMM  
Environmental Policy Manager  
Division of Environmental Services  
Indiana Department of Transportation

Check all that apply	Exemption number	Project type
	1	Pipe culvert replacement
	2	Bridge painting
	3	Mowing
	4	Installation, modernization or maintenance of signs, traffic signals, pavement markings, highway lighting, and channelization within the existing right-of-way
	5	Patching and crack sealing of roadway surfaces
	6	Resurfacing existing pavement
	7	Guardrail and fence installation or repairs
X	10	Right-of-way abstracting, engineering appraising, property management and administration
	11	Landscaping and erosion control
	12	Safety projects such as pavement grooving, flare screen, safety barriers, and energy attenuators
	13	Addition or reconstruction of railroad crossing protection
	15	Reconstruction or replacement of an existing bridge crossing a stream, railroad, or roadway
	16	Addition of special facilities to an existing highway for the exclusive use of buses
	17	Slide correction measures which are not emergencies but are necessary to preserve the highway facility
	18	Modernization of an existing highway by widening less than a single line (sic.) width, adding shoulders, adding auxiliary lanes for climbing, turning or weaving, and correcting substandard curves and intersections

(Please check all that apply)

  X   This project is to receive no federal funding, permits, approval that would lead to NEPA requirements.

  X   This project does not qualify as a "Major state action as defined under 327 IAC 11-3-4.

  X   Furthermore, this action fails to meet the definition of "Significantly affecting the quality of the human environment" as defined in 327 IAC 11-3-6.

These conclusions were ascertained by a study of the work type (as listed above) and the accompanying documentation.

  X   INDOT approved Red Flag Investigation

  X   Historical/Archeological Survey

  X   Other

As the Responsible Official for INDOT as defined in 327 IAC 11-3-5, I have reviewed the documented information and attest to the validity of this exemption based on current knowledge of the project and the existing known environment.

Kenneth B. McMullen, CHMM  
Environmental Policy Manager  
Division of Environmental Services  
Indiana Department of Transportation

## **Appendix A: Red Flag Investigation**

A1-A11

Red Flag Investigation





# INDIANA DEPARTMENT OF TRANSPORTATION

## *Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

**Michael R. Pence, Governor**  
**Karl B. Browning, Commissioner**

Date: 01/22/2014

To: Mr. Steve Catron  
Excess Land Team, Real Estate Division  
Indiana Department of Transportation  
100 North Senate Avenue, Room N642  
Indianapolis, IN 46204

From: Hazardous Materials Unit  
Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue, Room N642  
Indianapolis, IN 46204

Re: RED FLAG INVESTIGATION  
LA 5102 Parcel 16  
SR 25  
Tippecanoe, County, Indiana

### **NARRATIVE**

This RFI is being performed for the sale of an excess parcel. This parcel is located approximately .009 mile north of SR 25 and approximately .018 mile east of north 625 east county road in Tippecanoe County. INDOT has decided that this surplus land will not be needed for right-of-way or transportation purposes in the foreseeable future. Measurement from the aerial photo indicates that this parcel is approximately 0.981 acre. The legal description is as follows:

A part of the East Half of the Southwest Quarter of Section 32, Township 24 North, Range 3 West, Tippecanoe County, Indiana and that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the Northwest corner of said Quarter Section, designated as point "221" on said plat; thence North 89 degrees 32 minutes 16 seconds East 1,320.59 feet along the north line of said quarter section to the northwest corner of said half-quarter section; thence South 1 degree 00 minutes 34 seconds East 1,063.00 feet along the west line of said half-quarter section to the northwest corner of a tract of land described in Deed Record 83, page 2450, Office of the Recorder of Tippecanoe county and the point of beginning of this description: thence North 89 degrees 14 minutes 08 seconds East 400.23 feet along the north line of the said tract; thence South 61 degrees 06 minutes 21 seconds West 452.80 feet to the west line of said half-quarter section; thence North 1 degree 00 minutes 34 seconds west 213.48 feet along said west line to the point of beginning and containing 0.981 acres, more or less.

### **SUMMARY**

<b>Infrastructure</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Religious Facilities	N/A	Recreational Facilities	N/A
Airports	N/A	Pipelines	N/A
Cemeteries	N/A	Railroads	1
Hospitals	N/A	Trails	N/A
Schools	N/A	Managed Lands	N/A

Explanation:

Railroads: One (1) railroad was found within the 0.5 mile search radius, it being Norfolk Western Railroad. The location is approximately .068 mile south of the subject parcel. No impact is expected from the sale of the subject parcel.

Managed Lands: No park lands are located in or adjacent to the subject parcel.

<b>Water Resources</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
NWI - Points	N/A	NWI - Wetlands	2
Karst Springs	N/A	IDEM 303d Listed Lakes	N/A
Canal Structures – Historic	N/A	Lakes	N/A
NWI - Lines	N/A	Floodplain - DFIRM	1
IDEM 303d Listed Rivers and Streams (Impaired)	1	Cave Entrance Density	N/A
Rivers and Streams	2	Sinkhole Areas	N/A
Canal Routes - Historic	N/A	Sinking-Stream Basins	N/A

Explanation:

IDEM 303d Listed Rivers and Streams (Impaired): One (1) impaired stream was located within the 0.5 mile search radius, located approximately .104 mile east of the subject parcel. No impact is expected from the sale of the subject parcel.

Rivers and Streams: Two (2) river and streams are located within the 0.5 mile search radius, the nearest located .104 mile east of the subject parcel. No impact is expected from the sale of the subject parcel.

Wetlands: Two (2) wetlands are located within the 0.5 mile search radius, the nearest located approximately .336 mile north of the subject parcel. No impact is expected from the sale of the subject parcel.

Floodplain - DFIRM: One (1) Floodplain – DFIRM was located within the 0.5 mile search radius, its location being approximately .138 mile north of the subject parcel. No impact is expected from the sale of the subject parcel.

The subject parcel is not located within the Karst Memorandum of Understanding (MOU) Potential Karst Features Region. The sale of the subject parcels is not anticipated to impact any karst features.

<b>Mining/Mineral Exploration</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Petroleum Wells	<b>N/A</b>	Petroleum Fields	<b>N/A</b>
Mines – Surface	<b>N/A</b>	Mines – Underground	<b>N/A</b>

Explanation:

There was no Mining/Mineral found in the 0.5 mile search radius. No impact is expected from the sale of this parcel.

<b>Hazmat Concerns</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Brownfield Sites	<b>N/A</b>	Restricted Waste Sites	<b>N/A</b>
Corrective Action Sites (RCRA)	<b>N/A</b>	Septage Waste Sites	<b>N/A</b>
Confined Feeding Operations	<b>N/A</b>	Solid Waste Landfills	<b>N/A</b>
Construction Demolition Waste	<b>N/A</b>	State Cleanup Sites	<b>N/A</b>
Industrial Waste Sites (RCRA Generators)	<b>N/A</b>	Tire Waste Sites	<b>N/A</b>
Infectious/Medical Waste Sites	<b>N/A</b>	Waste Transfer Stations	<b>N/A</b>
Lagoon/Surface Impoundments	<b>N/A</b>	RCRA Waste Treatment, Storage, and Disposal Sites (TSDs)	<b>N/A</b>
Leaking Underground Storage Tanks (LUSTs)	<b>N/A</b>	Underground Storage Tanks	<b>N/A</b>
Manufactured Gas Plant Sites	<b>N/A</b>	Voluntary Remediation Program	<b>N/A</b>
NPDES Facilities	<b>N/A</b>	Superfund	<b>N/A</b>
NPDES Pipe Locations	<b>N/A</b>	Institutional Control Sites	<b>N/A</b>
Open Dump Sites	<b>N/A</b>		<b>N/A</b>

Explanation:

There was no Hazmat concerns found in the 0.5 mile search radius. No impact is expected from the sale of this parcel.

### Ecological Information

The Tippecanoe County listing of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high quality natural communities is attached with ETR species highlighted. A review of the Indiana Natural Heritage Database did not indicate the observation of any ETR species within the 0.5 mile search radius. No impact is expected from the sale of the subject parcels.

### Cultural Resources

From Mary Kennedy, History, As can be seen from the APE map excerpted from the MOA, the identification efforts and resultant reports for the Hoosier Heartland Section 106 process did not identify any National Register eligible properties on or directly adjacent to this parcel.

Shaun Miller, Archaeological, No sites were identified on the property and no further work was recommended. SHPO concurred with the results of the survey on 12/31/08. Therefore, no additional work is required.

## RECOMMENDATIONS

INFRASTRUCTURE: N/A

WATER RESOURCES: N/A

MINING/MINERAL EXPLORATION: N/A

HAZMAT CONCERNS: N/A

ECOLOGICAL INFORMATION: N/A

CULTURAL RESOURCES: N/A

INDOT Environmental Services concurrence:

**Kenneth  
McMullen**

cn=Kenneth McMullen, o=INDOT,  
ou=Environmental Services,  
email=kmcmullen@indot.in.gov, c=US  
2014.01.28 08:58:09 -05'00'

(Signature)

Prepared by:  
Anthony Johnson  
Hazardous Materials Specialist  
INDOT Environmental Services

## Graphics:

A map for each report section with a ½ mile radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

GENERAL SITE MAP SHOWING PROJECT AREA: YES

INFRASTRUCTURE: YES

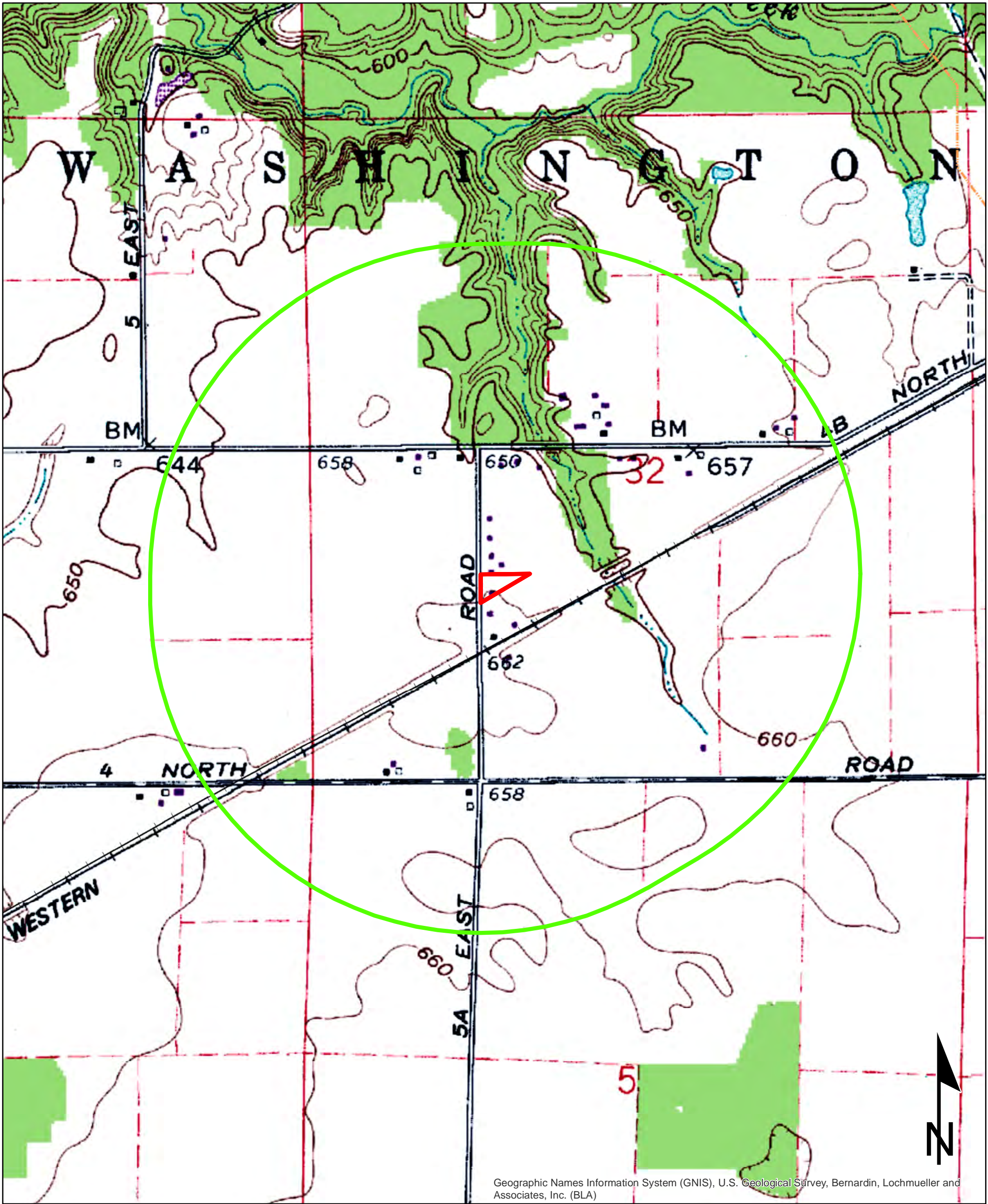
WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: N/A

HAZMAT CONCERNS: N/A



Red Flag Investigation - Site Location Map  
SR 25 - Excess Parcel  
LA 5102 - 16  
Tippeconoe County, Indiana

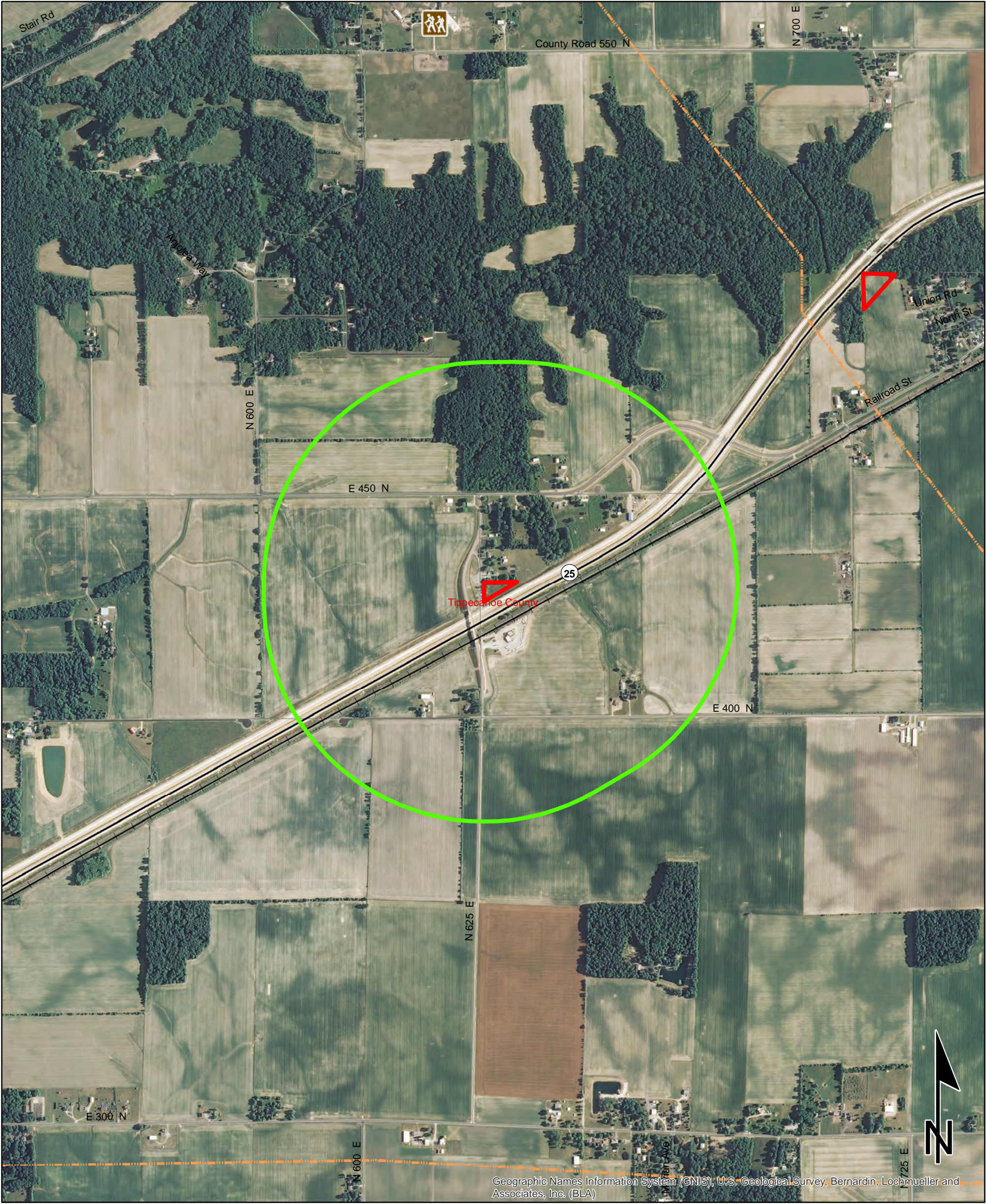


Sources: 0.15 0.075 0 0.15 Miles  
Non Orthophotography  
Data - Obtained from the State of Indiana Geographical Information Office Library  
Orthophotography - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
Map Projection: UTM Zone 16 N Map Datum: NAD83  
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

LAFAYETTE EAST  
QUADRANGLE  
INDIANA  
7.5 MINUTE SERIES



Red Flag Investigation - Infrastructure Map  
SR 25 - Excess Parcel  
LA 5102 - 16  
Tippeconoe County, Indiana

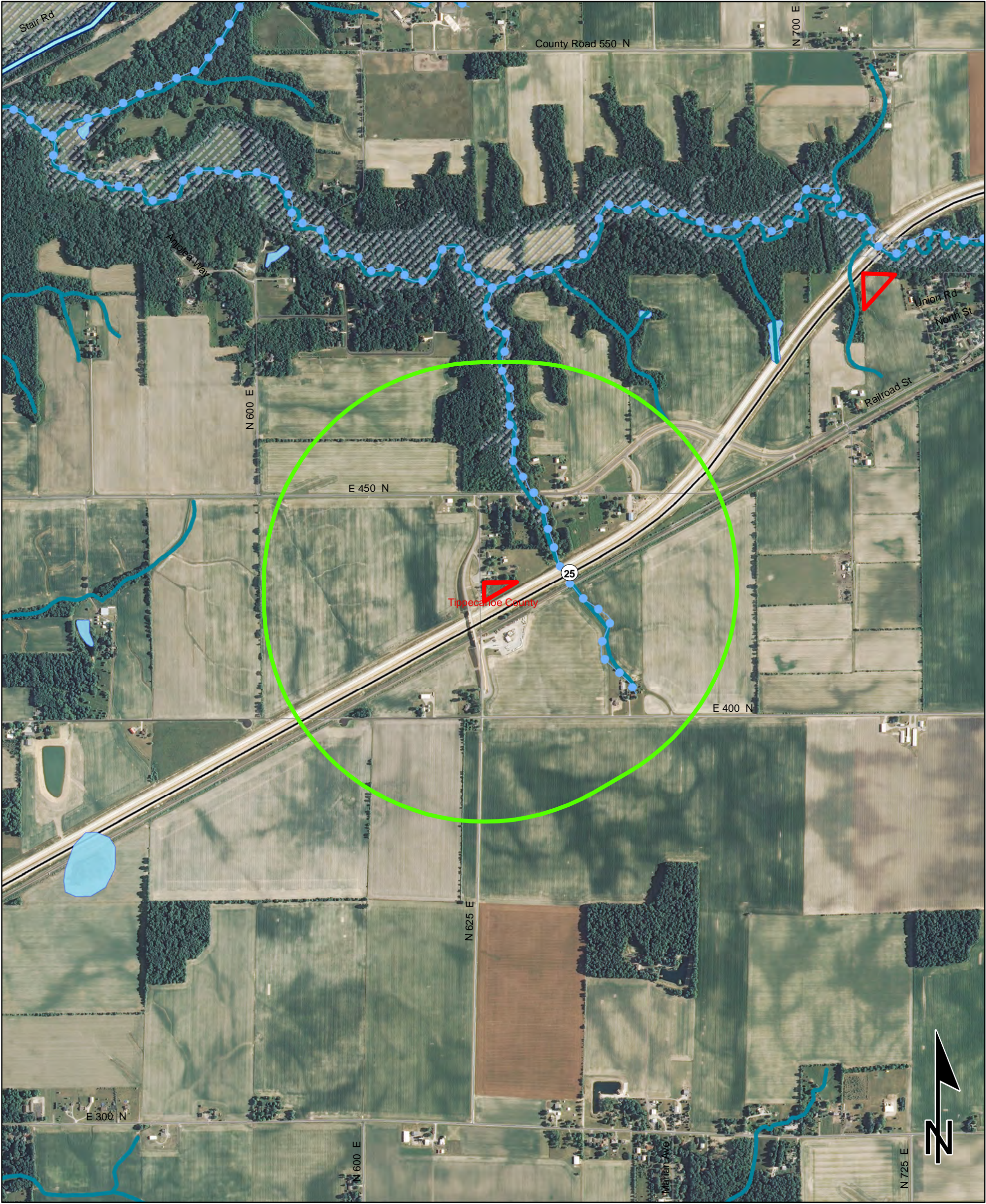


**Sources:** 0.25 0.125 0 0.25 Miles  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83  
**This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.**

	Religious Facility		Recreation Facility		Project Area
	Religious Facility		Pipeline		Half Mile Radius
	Indiana Map		Railroad		Interstate
	Airport		Trails		State Route
	Cemeteries		Managed Lands		US Route
	Hospital		County Boundary		Local Road
	School				

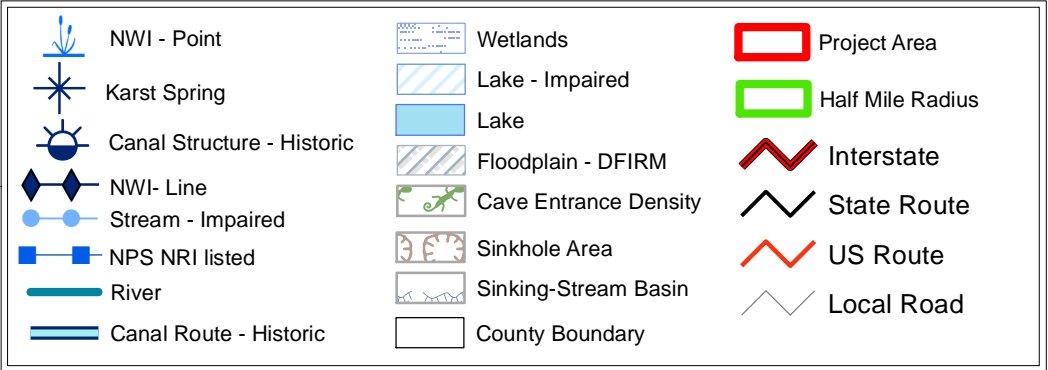


Red Flag Investigation - Water Resource Map  
SR 25 - Excess Parcel  
LA 5102 - 16  
Tippecanoe County, Indiana



Sources:  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.





# Indiana County Endangered, Threatened and Rare Species List

## County: Tippecanoe

Species Name	Common Name	FED	STATE	GRANK	SRANK
<b>Mollusk: Bivalvia (Mussels)</b>					
Cyprogenia stegaria	Eastern Fanshell Pearlymussel	LE	SE	G1Q	S1
Epioblasma torulosa rangiana	Northern Riffleshell	LE	SE	G2T2	SX
Epioblasma torulosa torulosa	Tubercled Blossom	LE	SE	G2TX	SX
Epioblasma triquetra	Snuffbox	LE	SE	G3	S1
Fusconaia subrotunda	Longsolid		SE	G3	SX
Lampsilis fasciola	Wavyrayed Lampmussel		SSC	G5	S3
Lampsilis ovata	Pocketbook			G5	S2
Leptodea leptodon	Scaleshell	LE	SX	G1G2	SX
Ligumia recta	Black Sandshell			G5	S2
Obovaria retusa	Ring Pink	LE	SX	G1	SX
Obovaria subrotunda	Round Hickorynut		SSC	G4	S1
Plethobasus cicatricosus	White Wartyback	LE	SE	G1	SX
Plethobasus cyphus	Sheepnose	LE	SE	G3	S1
Pleurobema clava	Clubshell	LE	SE	G2	S1
Pleurobema cordatum	Ohio Pigtoe		SSC	G4	S2
Pleurobema plenum	Rough Pigtoe	LE	SE	G1	S1
Pleurobema rubrum	Pyramid Pigtoe		SE	G2G3	SX
Potamilus capax	Fat Pocketbook	LE	SE	G1G2	S1
Ptychobranhus fasciolaris	Kidneyshell		SSC	G4G5	S2
Quadrula cylindrica cylindrica	Rabbitsfoot	C	SE	G3G4T3	S1
Simpsonaias ambigua	Salamander Mussel		SSC	G3	S2
Toxolasma lividus	Purple Lilliput		SSC	G3	S2
Villosa fabalis	Rayed Bean	LE	SSC	G2	S1
<b>Insect: Coleoptera (Beetles)</b>					
Lissobiops serpentinus	A Rove Beetle		SE	GNR	S1
<b>Insect: Ephemeroptera (Mayflies)</b>					
Paracloeodes minutus	A Small Minnow Mayfly		SR	G5	S2
<b>Insect: Lepidoptera (Butterflies &amp; Moths)</b>					
Speyeria idalia	Regal Fritillary		SE	G3	S1
<b>Insect: Mecoptera</b>					
Merope tuber	Earwig Scorpionfly		SE	G3G5	S1
<b>Insect: Odonata (Dragonflies &amp; Damselflies)</b>					
Erpetogomphus designatus	Eastern Ringtail		ST	G5	S2
Somatochlora tenebrosa	Clamp-tipped Emerald		SR	G5	S2S3
<b>Fish</b>					
Etheostoma tippecanoe	Tippecanoe Darter		SSC	G3G4	S3
<b>Amphibian</b>					
Hemidactylium scutatum	Four-toed Salamander		SSC	G5	S2

Indiana Natural Heritage Data Center  
Division of Nature Preserves  
Indiana Department of Natural Resources  
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

## Indiana County Endangered, Threatened and Rare Species List

### County: Tippecanoe

Species Name	Common Name	FED	STATE	GRANK	SRANK
<b>Reptile</b>					
<b>Clemmys guttata</b>	<b>Spotted Turtle</b>		SE	G5	S2
<b>Emydoidea blandingii</b>	<b>Blanding's Turtle</b>		SE	G4	S2
<b>Liochlorophis vernalis</b>	<b>Smooth Green Snake</b>		SE	G5	S2
Terrapene carolina carolina	Eastern Box Turtle		SSC	G5T5	S3
<b>Terrapene ornata ornata</b>	<b>Ornate Box Turtle</b>		SE	G5T5	S1
<b>Bird</b>					
Aimophila aestivalis	Bachman's Sparrow			G3	SXB
<b>Ammodramus henslowii</b>	<b>Henslow's Sparrow</b>		SE	G4	S3B
Ardea herodias	Great Blue Heron			G5	S4B
<b>Asio flammeus</b>	<b>Short-eared Owl</b>		SE	G5	S2
Asio otus	Long-eared Owl			G5	S2
Aythya collaris	Ring-necked Duck			G5	SHB
<b>Bartramia longicauda</b>	<b>Upland Sandpiper</b>		SE	G5	S3B
<b>Botaurus lentiginosus</b>	<b>American Bittern</b>		SE	G4	S2B
Buteo platypterus	Broad-winged Hawk	No Status	SSC	G5	S3B
Carduelis pinus	Pine Siskin			G5	S3N
<b>Cistothorus platensis</b>	<b>Sedge Wren</b>		SE	G5	S3B
<b>Dendroica cerulea</b>	<b>Cerulean Warbler</b>		SE	G4	S3B
<b>Falco peregrinus</b>	<b>Peregrine Falcon</b>	No Status	SE	G4	S2B
Grus canadensis	Sandhill Crane	No Status	SSC	G5	S2B,S1N
<b>Haliaeetus leucocephalus</b>	<b>Bald Eagle</b>	LT,PDL	SSC	G5	S2
<b>Ixobrychus exilis</b>	<b>Least Bittern</b>		SE	G5	S3B
<b>Lanius ludovicianus</b>	<b>Loggerhead Shrike</b>	No Status	SE	G4	S3B
<b>Nycticorax nycticorax</b>	<b>Black-crowned Night-heron</b>		SE	G5	S1B
<b>Rallus elegans</b>	<b>King Rail</b>		SE	G4	S1B
Sturnella neglecta	Western Meadowlark		SSC	G5	S2B
<b>Tyto alba</b>	<b>Barn Owl</b>		SE	G5	S2
<b>Mammal</b>					
Corynorhinus rafinesquii	Rafinesque's Big-eared Bat		SSC	G3G4	SH
Geomys bursarius	Plains Pocket Gopher		SSC	G5	S2
Lasiurus borealis	Eastern Red Bat		SSC	G5	S4
Mustela nivalis	Least Weasel		SSC	G5	S2?
Myotis septentrionalis	Northern Myotis		SSC	G4	S3
<b>Myotis sodalis</b>	<b>Indiana Bat or Social Myotis</b>	LE	SE	G2	S1
<b>Nycticeius humeralis</b>	<b>Evening Bat</b>		SE	G5	S1
Reithrodontomys megalotis	Western Harvest Mouse			G5	S2
<b>Spermophilus franklinii</b>	<b>Franklin's Ground Squirrel</b>		SE	G5	S2
Taxidea taxus	American Badger		SSC	G5	S2

#### Vascular Plant

Indiana Natural Heritage Data Center  
Division of Nature Preserves  
Indiana Department of Natural Resources  
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

# Indiana County Endangered, Threatened and Rare Species List

## County: Tippecanoe

Species Name	Common Name	FED	STATE	GRANK	SRANK
Androsace occidentalis	Western Rockjasmine		ST	G5	S2
Arenaria patula	Pitcher's Stitchwort		SE	G4	S1
Aster oblongifolius	Aromatic Aster		SR	G5	S2
Astragalus tennesseensis	Tennessee Milk-vetch		SRE	G3	SX
Bacopa rotundifolia	Roundleaf Water-hyssop		ST	G5	S1
Besseyia bullii	Kitten Tails		SE	G3	S1
Botrychium matricariifolium	Chamomile Grape-fern		SR	G5	S2
Botrychium simplex	Least Grape-fern		SE	G5	S1
Camassia angusta	Wild Hyacinth		SE	G5?Q	S1
Carex flava	Yellow Sedge		ST	G5	S2
Carex gravida	Heavy Sedge		SE	G5	S1
Chelone obliqua var. speciosa	Rose Turtlehead		WL	G4T3	S3
Chrysopsis villosa	Hairy Golden-aster		ST	G5	S2
Circaea alpina	Small Enchanter's Nightshade		SX	G5	SX
Cirsium hillii	Hill's Thistle		SE	G3	S1
Coeloglossum viride var. virescens	Long-bract Green Orchis		ST	G5T5	S2
Crataegus pedicellata	Scarlet Hawthorn		ST	G5	S2
Cypripedium candidum	Small White Lady's-slipper		WL	G4	S2
Eriophorum angustifolium	Narrow-leaved Cotton-grass		SR	G5	S2
Erysimum capitatum	Prairie-rocket Wallflower		ST	G5	S2
Euphorbia obtusata	Bluntleaf Spurge		SE	G5	S1
Gentiana alba	Yellow Gentian		SR	G4	S2
Houstonia nigricans	Narrowleaf Summer Bluets		SR	G5	S2
Linum sulcatum	Grooved Yellow Flax		SR	G5	S2
Lithospermum incisum	Narrow-leaved Puccoon		SE	G5	S1
Melampyrum lineare	American Cow-wheat		SR	G5	S2
Muhlenbergia cuspidata	Plains Muhlenbergia		SE	G4	S1
Napaea dioica	Glade Mallow		SR	G4	S2
Onosmodium hispidissimum	Shaggy False-gromwell		SE	G4	S1
Orobanche riparia	Bottomland Broomrape		SE	G5	S2
Oryzopsis racemosa	Black-fruit Mountain-ricegrass		SR	G5	S2
Panicum rigidulum var. pubescens	Long-leaved Panic-grass		SX	G5T5?	SX
Plantago cordata	Heart-leaved Plantain		SE	G4	S1
Poa paludigena	Bog Bluegrass		WL	G3	S3
Psoralea tenuiflora	Few-flowered Scurf-pea		SX	G5	SX
Sanguisorba canadensis	Canada Burnet		SE	G5	S1
Selaginella apoda	Meadow Spike-moss		WL	G5	S1
Silene regia	Royal Catchfly		ST	G3	S2
Trichostema dichotomum	Forked Bluecurl		SR	G5	S2
Viola pedatifida	Prairie Violet		ST	G5	S2

Indiana Natural Heritage Data Center  
Division of Nature Preserves  
Indiana Department of Natural Resources  
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

## Indiana County Endangered, Threatened and Rare Species List

### County: Tippecanoe

Species Name	Common Name	FED	STATE	GRANK	SRANK
<b>High Quality Natural Community</b>					
Barrens - gravel	Gravel Slope Barrens		SG	G3	S1
Barrens - sand	Sand Barrens		SG	G3	S2
Forest - upland dry-mesic	Dry-mesic Upland Forest		SG	G4	S4
Forest - upland mesic	Mesic Upland Forest		SG	G3?	S3
Lake - lake	Lake		SG	GNR	S2
Prairie - dry-mesic	Dry-mesic Prairie		SG	G3	S2
Wetland - fen	Fen		SG	G3	S3
Wetland - marsh	Marsh		SG	GU	S4
Wetland - seep circumneutral	Circumneutral Seep		SG	GU	S1
<b>Other Significant Feature</b>					
Geomorphic - Nonglacial Erosional Feature - Water Fall and Cascade	Water Fall and Cascade			GNR	SNR

Indiana Natural Heritage Data Center  
Division of Nature Preserves  
Indiana Department of Natural Resources  
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

## **Appendix B: Cultural Resources**

B1-B2	INDOT, CRO Responses January 16, 2014
B3-B12	Aboveground Clearance
B13-B16	Archaeological Clearance

## Bales, Ronald

---

**To:** Kennedy, Mary; Andrews, Chris; Mathas, Marlene; Miller, Shaun (INDOT); Giffin, Toni  
**Subject:** RE: 5102-16 New Excess Parcel

---

**From:** Kennedy, Mary  
**Sent:** Thursday, January 16, 2014 9:01 AM  
**To:** Andrews, Chris; Mathas, Marlene; Miller, Shaun (INDOT); Bales, Ronald; Giffin, Toni  
**Subject:** RE: 5102-16 New Excess Parcel

All,

With regard to above-ground cultural resources, this parcel is located within the Area of Potential Effect (APE) for the Hoosier Heartland Highway project (Des. No. 9802920). As can be seen from the APE map excerpted from the MOA, the identification efforts and resultant reports for the Hoosier Heartland Section 106 process did not identify any National Register eligible properties on or directly adjacent to this parcel. No further work is recommended prior to the sale of this parcel. The finding signature page, APE map, and SHPO letters are here: [LA 5102 SR 25 Parcel 16 above-ground CRO clearance.pdf](#).

Let me know if you have any questions or you need anything else.

*Mary E. Kennedy*  
Indiana Department of Transportation  
(317) 232-5215  
[mkennedy@indot.in.gov](mailto:mkennedy@indot.in.gov)

---

**From:** Loggins, Katherine  
**Sent:** Thursday, January 02, 2014 11:37 AM  
**To:** Andrews, Chris  
**Cc:** Bales, Ronald; Giffin, Toni  
**Subject:** 5102-16 New Excess Parcel

All documentation, including the aerial, is in this link.

Let me know if you need anything else.

Katie

**KATIE LOGGINS**  
Excess Land Specialist



**Indiana Department of Transportation**  
Real Estate Division

100 N Senate Avenue | N642 | Indianapolis, IN 46204  
317.234.5818  
[kloggins@indot.in.gov](mailto:kloggins@indot.in.gov) | [Real Estate Division Website](#)

## Bales, Ronald

---

**To:** Miller, Shaun (INDOT); Andrews, Chris  
**Cc:** Giffin, Toni; Kennedy, Mary; Mathas, Marlene  
**Subject:** RE: 5102-16 New Excess Parcel

---

**From:** Miller, Shaun (INDOT)  
**Sent:** Thursday, January 16, 2014 1:40 PM  
**To:** Andrews, Chris  
**Cc:** Giffin, Toni; Bales, Ronald; Kennedy, Mary; Mathas, Marlene  
**Subject:** RE: 5102-16 New Excess Parcel

Chris,

Excess Parcel 5102-16 was previously covered for archaeology by Miller and Greenlee (12/8/08) during a reconnaissance for Acquisition of Eleven Properties in conjunction with SR 25 Hoosier Heartland. No sites were identified on the property and no further work was recommended. SHPO concurred with the results of the survey on 12/31/08. Therefore, no additional work is required. Pertinent documentation is attached and in PW: [5102-16 archaeology.pdf](#)

Mary provided her assessment for above ground properties in a separate email.

Thank you,

Shaun Miller  
Archaeological Team Lead  
INDOT, Cultural Resources Office  
[smiller@indot.in.gov](mailto:smiller@indot.in.gov)  
(317) 233-6795

---

**From:** Loggins, Katherine  
**Sent:** Thursday, January 02, 2014 11:37 AM  
**To:** Andrews, Chris  
**Cc:** Bales, Ronald; Giffin, Toni  
**Subject:** 5102-16 New Excess Parcel

All documentation, including the aerial, is in this link.

Let me know if you need anything else.

Katie

**KATIE LOGGINS**  
Excess Land Specialist



**Indiana Department of Transportation**  
Real Estate Division

100 N Senate Avenue | N642 | Indianapolis, IN 46204  
317.234.5818  
[kloggins@indot.in.gov](mailto:kloggins@indot.in.gov) | [Real Estate Division Website](#)





Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor  
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



December 31, 2008

Christopher D. Koeppel  
Cultural Resources Section  
Office of Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue, Room N642  
Indianapolis, Indiana 46204

This letter clears  
parcel 5102-16

Federal Agency: Federal Highway Administration

Re: Revised archaeological records check and phase Ia field reconnaissance report (Greenlee, 12/8/08) for additional information regarding the eleven property acquisitions in conjunction with the Hoosier Heartland Corridor project (Designation #9802920, 0300695, 0500628; DHPA #3513)

Dear Mr. Koeppel:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated December 8, 2008 and received on December 10, 2008, for the above indicated project in Tippecanoe County, Indiana.

Thank you for providing the revised archaeological records and Phase Ia field reconnaissance report for the above project. The report is acceptable and will be placed in our archaeological files.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

*A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference. If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or [rjones@dnr.IN.gov](mailto:rjones@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #3513.*

Very truly yours,

James A. Glass, Ph.D.  
Deputy State Historic Preservation Officer

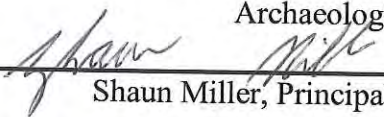
JAG:JRJ:jj

This report covered  
parcel 5102-16

## An Archaeological Records Check and Phase Ia Field Reconnaissance:

Additional Information for the Acquisition of Eleven Properties  
in conjunction with the SR 25 Hoosier Heartland Project (INDOT Des. No. 9802920),  
in Fairfield, Perry, and Washington Townships, Tippecanoe County, Indiana

Prepared by:  
Rachael J. Greenlee  
Archaeologist

  
Shaun Miller, Principal Investigator

Cultural Resources Section  
Office of Environmental Services  
Indiana Department of Transportation

Prepared for:  
Indiana Department of Transportation, Crawfordsville District  
Alan Plunkett, Director  
41 West 300 North  
Crawfordsville, Indiana 47933



Cultural Resources Section  
Office of Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 234-1900



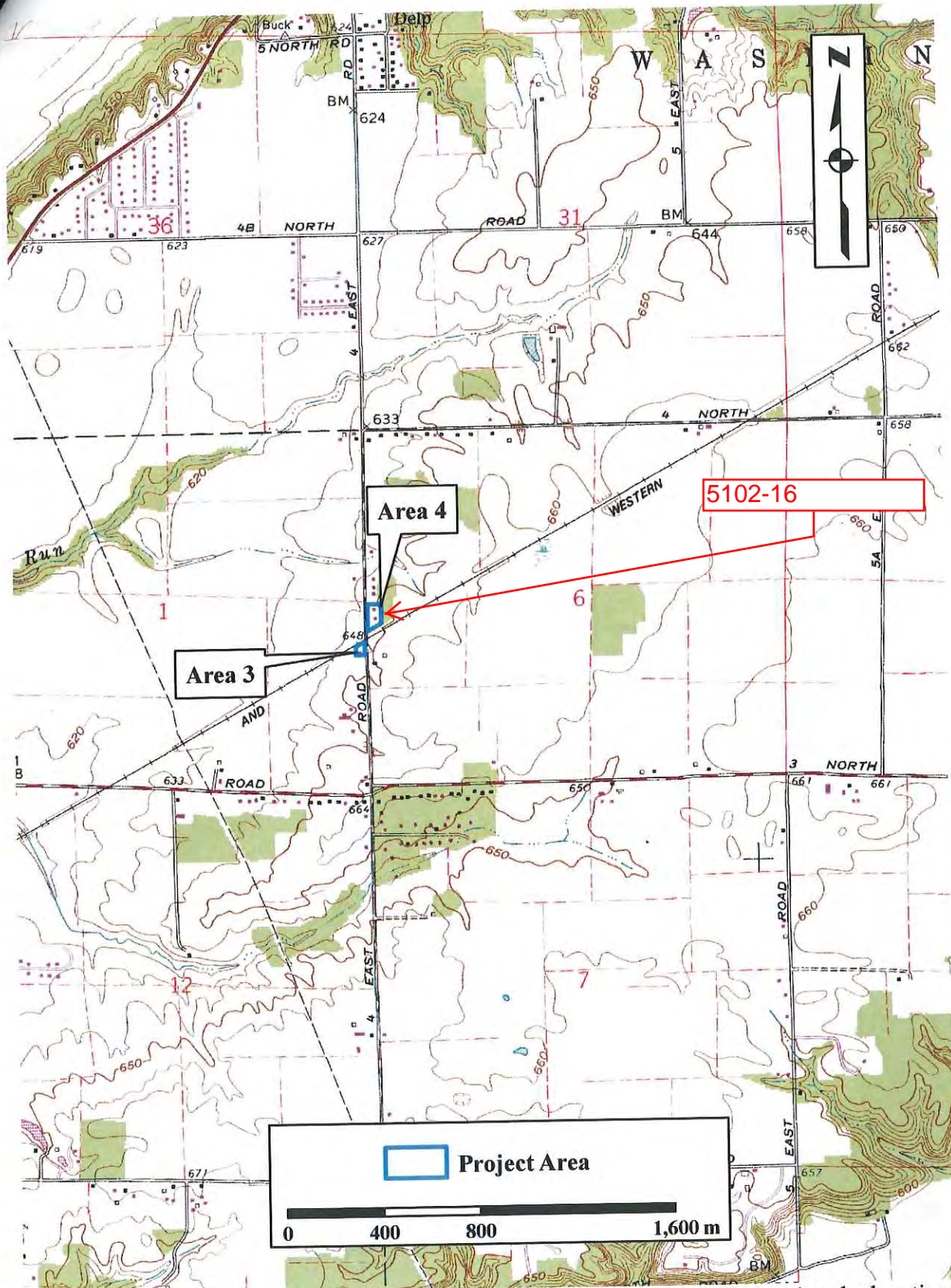


Figure 3. A portion of the USGS Lafayette East, Indiana quadrangle map showing the locations of Areas 3 and 4.

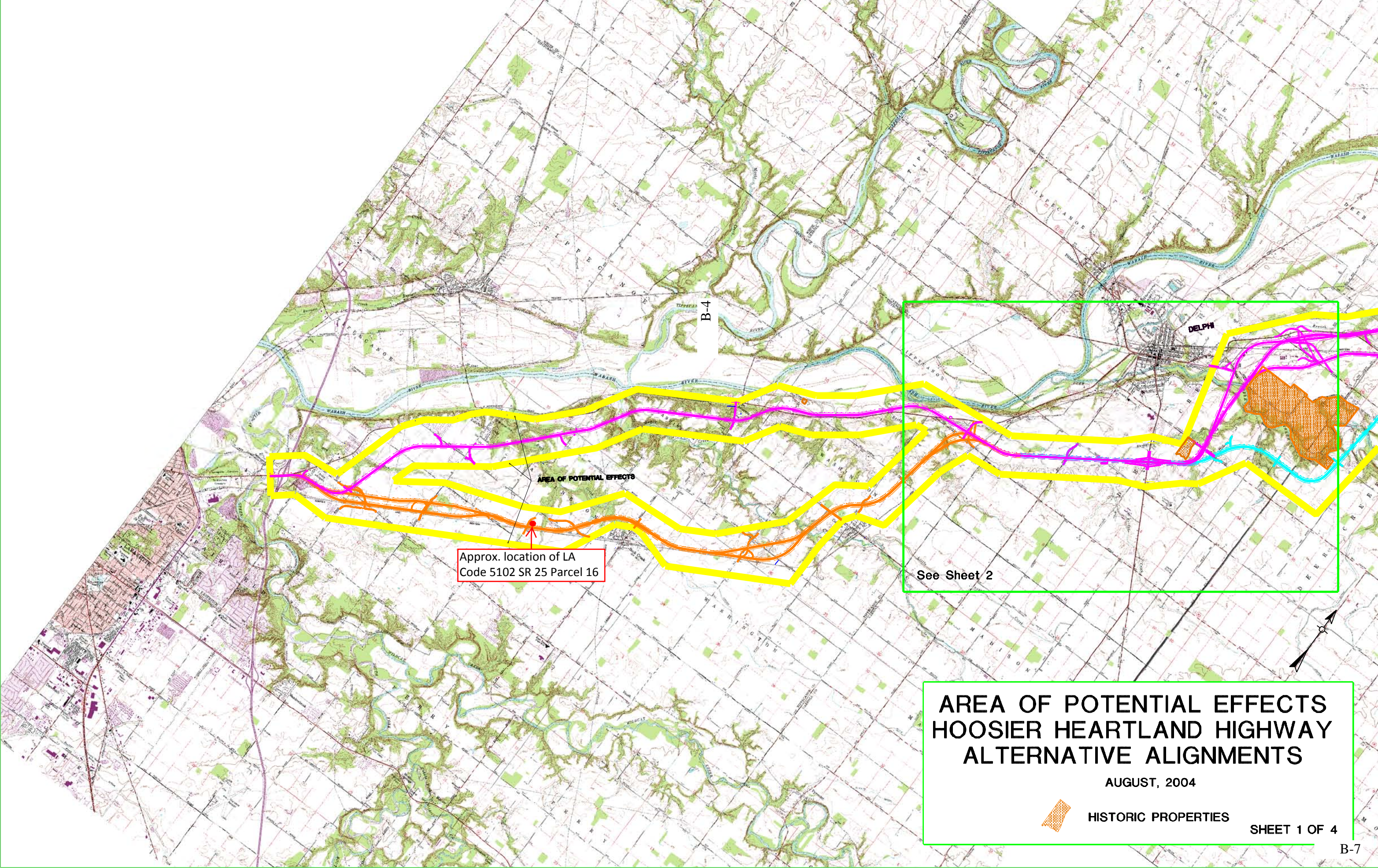
addition, nineteen other archaeological sites located within 1.6 km (1 mi) of the project areas were found within SHAARD (2008).

An examination of the Tippecanoe County Historic Sites and Structures Inventory (HLFI 1990) listed no historic structures within the five project areas. A review of the cemetery records on file at DHPA found the Springvale Cemetery, the Colburn Evangelical United Brethren Cemetery, the Colburn Lutheran Cemetery, the Eckart Cemetery, and the Wildcat Creek Cemetery within 1.6 km (1 mi) of the project areas.

Rachael Greenlee of INDOT, CRS conducted a Phase Ia field reconnaissance of the five project areas on October 22 and 28, 2008. The project areas were found to consist of an agricultural field, fallow grass, and residential lawns. No evidence of cultural material was observed.

It is the author's opinion, based on the results of the Phase Ia archaeological field reconnaissance and other relevant information, that the proposed project should have no adverse effect on significant cultural resources meeting the criteria established for the inclusion to the IRHSS or NRHP and it is therefore recommended that construction be allowed to proceed as planned. This is with the understanding that if human remains, features, or midden deposits are revealed during construction, any further disturbance will cease until an INDOT, CRS archaeologist is contacted and mitigation is completed.





Approx. location of LA  
Code 5102 SR 25 Parcel 16

AREA OF POTENTIAL EFFECTS

See Sheet 2

# AREA OF POTENTIAL EFFECTS HOOSIER HEARTLAND HIGHWAY ALTERNATIVE ALIGNMENTS

AUGUST, 2004



HISTORIC PROPERTIES

SHEET 1 OF 4



**FEDERAL HIGHWAY ADMINISTRATION**  
**SECTION 106 FINDINGS AND DETERMINATIONS**

**AREA OF POTENTIAL EFFECT**

**ELIGIBILITY DETERMINATIONS**

**STATE ROUTE 25**

**DES. NO.: 9802920**

**FEDERAL PROJECT NO.: [#####]**

**AREA OF POTENTIAL EFFECT**  
**(Pursuant to 36 CFR 800.4(a)(1))**

Please refer to the attached map delineating the boundaries of the Area of Potential Effect (APE).

**ELIGIBILITY DETERMINATIONS**  
**(Pursuant to 36 CFR 800.4(c)(2))**

Please refer to the following table for descriptions of the historic properties within the APE that are recommended to be eligible for the National Register of Historic Places (with the National Park Service criteria rendering their eligibility) and those historic properties that are already listed on the National Register (with the dates they were included on the Register).

<b>Western Section</b>		
<b>"O" Alignment</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
The Ade Farm – house, milk house, livestock barn, 5 utility sheds, and lean-to dating to the early 20 <sup>th</sup> century	157-332-40009	Farm Buildings and Environs – Criterion A
<b>"P" Alignment</b>		
John Cunningham Farm – dairy barn (c.1910s)	157-070-00003A	Dairy Barn – Criterion C

<b>Central Section</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
Rural Historic District – located in Deer Creek Township, Carroll County	335, 336, 337, 338, 339, 340, 342	District – Criteria A and C
Baum-Shaeffer Farm – Italianate style house (c. 1855), bank barn, English barn, log building	015-162-347	Listed on NRHP August 28, 1998 – Criteria A and C
Isaac Robbins Farm – Federal style house and brick milk house (all c. 1850)	015-207-323	Farm Buildings and Environs – Criteria A and C
<b>Eastern Section</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
District School #3 – Italianate style brick building (c. 1874)	015-084-067	Listed on NRHP March 31, 1988 – Criterion A
Italianate House	015-084-066	House – Criterion C
Wasson Farm – house (c. 1889), livestock barn (c. 1910), garage (c. 1930)	015-084-071	Farm Buildings and Environs – Criterion A
Farm – house, livestock barn, utility shed (all c. 1910s)	015-084-061A	Farm Buildings and Environs – Criterion A
Joseph Atkinson Farm – Italianate style house (c. 1865), livestock barn, English barn, lean-tos, utility shed, drive-through corncrib (all c. 1900)	017-124-45011	Farm Buildings and Environs – Criteria A and C
Farm – side-gabled house (c. 1884), drive-through corncrib, 2 utility sheds, Sweitzer barn (all c. 1900)	QS029	Farm Buildings and Environs – Criterion A
<b>Eastern Section / Logansport</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
Farm – Italianate house, drive-through corncrib, milk house (all c. 1880), silos (c. 1920s)	017-124-5004B	Farm Buildings and Environs – Criteria A and C

Consulting parties will be provided a copy of FHWA's findings and determinations in accordance with FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

for: Robert E. Dink  
John R. Baxter, P.E.  
Division Administrator

3/5/02  
Approved Date





Indiana Department of Natural Resources

Frank O'Bannon, Governor  
John Goss, Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us



April 18, 2002

John R. Baxter, P.E.  
Division Administrator  
Indiana Division  
Federal Highway Administration  
575 North Pennsylvania Street, Room 254  
Indianapolis, Indiana 46204

Federal agency: Federal Highway Administration

Re: State Road 25/Hoosier Heartland Corridor

Dear Mr. Baxter:

At the invitation of David E. Smith, P.E., of Qk4, the Indiana Department of Transportation's consultant on the State Road 25/Hoosier Heartland Corridor Project, we are commenting on the proposed findings of effect on specific historical or architectural properties that were issued in the enclosures to Mr. Smith's March 7, 2002, letter. As you know, those proposed findings were explained, discussed, and, in one instance, modified at the March 21, 2002, Section 106 consulting parties meeting in Delphi. In addition, John Carr of my staff has had subsequent communications with Mr. Smith, in which Mr. Smith clarified certain points about scales and dimensions and about existing stands of trees shown or described in various documents associated with the project.

In general, we concur with the proposed findings of effect as stated in the enclosure Mr. Smith's March 7 letter entitled "Addendum: Assessment of Effects," except as discussed below.

At the March 21 meeting, Mr. Carr understood Camille Fife of The Westerly Group, the historical sub-consultant on this project, to say that she thought that the proposed no adverse effect finding regarding visual impacts of the proposed highway on the Deer Creek area rural historic district should be changed to a possible adverse effect finding. The Qk4 March 28 minutes of the March 21 meeting appear to confirm this change of opinion, although in less specific terms.

We believe that a finding of adverse effect would be more appropriate regarding visual impacts on the National Register-eligible Deer Creek area historic district. Based on site visits by my staff, it appears to us that significant stretches of the proposed highway would be visible from well within the district, as the highway passes to the west and northwest of the district. It is true that such modern buildings and structures as the single-story, mini-warehouse buildings that lie immediately adjacent to the western boundary of the district and the modern commercial buildings, grain storage structures, grain piles, and the water tower that lie somewhat farther to the west and northwest of the district already partially obscure the view of the horizon from various points within the district. We further would expect, given what we have been told to this point about the design and elevation of the new highway, that those existing buildings and structures would partially obscure the view of the new highway as it passes to the west and northwest. Even so, much of the horizon to the west and northwest is still visible in the form of tree lines standing at varying distances from the district. It appears to us that the new highway, much of which would be elevated as it passes the west and northwest parts of the district, would demonstrably obscure considerably more of the horizon than has already been obscured. The report entitled "Review of a Rural Historic District in Deer Creek Township, Carroll County, Indiana" (The Westerly Group, Inc., February 9, 2001) indicates that among the significant qualities of this rural historic district is its agrarian and bucolic feeling. Given this, we think the likelihood that the new

John R. Baxter , P.E.  
April 18, 2002  
Page 2

highway would diminish the integrity of the agrarian and bucolic feeling and setting around the district merits a finding that the project would have an adverse effect on the district from a visual standpoint.

We hasten to add, however, that the latest, proposed alignment to the west and northwest of the Deer Creek area rural historic district is a significant improvement over previous proposals for alignments on that side, which would have virtually hugged the district's western boundary and, in the case of one alignment, would have required that a corner of the northwest part of the district be taken for the new highway right-of-way. We realize that the shifting of the proposed alignment was done for various reasons and to accommodate various interests in addition to those of historic preservation, but we nonetheless want to express our appreciation to your office, to INDOT, and to Qk4 for proposing to eliminate the possible direct, physical effect and for proposing to reduce somewhat the degree to which the new highway likely will have an adverse visual effect on the rural historic district.

Although it is somewhat premature to discuss mitigation of adverse effects, it appears to us that there may be ways of further reducing the new highway's visual adverse effect on the district, including possibly planting trees or other vegetation between the highway and the district. We will be glad to discuss mitigation further at the appropriate time.

The report "Review of a Rural Historic District in Deer Creek Township" identifies the Monon High Bridge and the former rail line's bermed roadbed, absent the rails, in the report's statement of significance under the transportation theme. Delphi Historic Trails submitted a March 19, 2002, letter at the March 21 meeting, in which that organization made a plea for, among other things, the preservation of the old Monon right-of-way at the point at which the new highway would cross the old right-of-way, in the hope that an Americans with Disabilities Act-accessible trail on the right-of-way could some day be constructed. The point of intersection between the proposed highway and the old Monon right-of-way is outside the boundaries of the historic district. Even so, we would ask that consideration be given to preserving appropriate access along the potential trail route between the east and west sides of the proposed highway alignment.

Thank you for your attention.

Very truly yours,



John R. Goss  
State Historic Preservation Officer

JRG:JLC:jlc

xc: Janice Osadczuk, Indiana Department of Transportation, Indianapolis  
✓ David E. Smith, P.E., Qk4, New Albany

**FEDERAL HIGHWAY ADMINISTRATION**  
**SECTION 106 FINDINGS AND DETERMINATIONS**

**AREA OF POTENTIAL EFFECT**

**ELIGIBILITY DETERMINATIONS**

**ADVERSE EFFECT FINDING**

**STATE ROUTE 25**

**DES. NO.: 9802920**

**AREA OF POTENTIAL EFFECT**  
**(Pursuant to 36 CFR 800.4(a)(1))**

Please refer to the attached map delineating the boundaries of the Area of Potential Effect (APE).

**ELIGIBILITY DETERMINATIONS**  
**(Pursuant to 36 CFR 800.4(c)(2))**

Please refer to the following table for descriptions of the historic properties within the APE that are recommended to be eligible for the National Register of Historic Places (with the National Park Service criteria rendering their eligibility) and those historic properties that are already listed on the National Register (with the dates they were included on the Register).

<b>Western Section</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
John Cunningham Farm – dairy barn (c.1910s)	157-070-00003A	Dairy Barn – Criterion C.
<b>Central Section</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
Rural Historic District – located in Deer Creek Township, Carroll County	335, 336, 337, 338, 339, 340, 342	District – Criteria A and C
Baum-Shaeffer Farm – Italianate style house (c. 1855), bank barn, English barn, log building	015-162-347	Listed on NRHP August 28, 1998 – Criteria A and C

Isaac Robbins Farm – Federal style house and brick milk house (all c. 1850)	015-207-323	Farm Buildings and Environs – Criteria A and C
<b>Eastern Section</b>		
<b>Name and Description</b>	<b>Property Number</b>	<b>National Register Criteria</b>
District School #3 – Italianate style brick building (c. 1874)	015-084-067	Listed on NRHP March 31, 1988 – Criterion A
Italianate House	015-084-066	House – Criterion C
Joseph Atkinson Farm – Italianate style house (c. 1865), livestock barn, English barn, lean-to, utility shed, drive-through corncrib (all c. 1900)	017-124-45011	Farm Buildings and Environs – Criteria A and C
Farm – side-gabled house (c. 1884), drive-through corncrib, 2 utility sheds, Sweitzer barn (all c. 1900)	QS029	Farm Buildings and Environs – Criterion A

### **EFFECT FINDING**

**(Pursuant to 36 CFR 800.4(d)(2))**

Please refer to the following table for a list of the historic properties with adverse effects.

<b>Western Section</b>		
<b>Name</b>	<b>Property Number</b>	<b>Adverse Effect and Category*</b>
John Cunningham Farm	157-070-00003A	No Adverse Effect
<b>Central Section</b>		
<b>Name</b>	<b>Property Number</b>	<b>Adverse Effect and Category</b>
Rural Historic District	335, 336, 337, 338, 339, 340, 342	Visual (v)
Baum-Shaeffer Farm	015-162-347	No Adverse Effect
Isaac Robbins Farm	015-207-323	Visual (v)
<b>Eastern Section</b>		
<b>Name</b>	<b>Property Number</b>	<b>Adverse Effect and Category</b>
District School #3	015-084-067	Visual (v)
Italianate House	015-084-066	Visual (v)
Joseph Atkinson Farm	017-124-45011	Visual (v)
Farm	QS029	Visual (v)

\* Adverse Effect Categories (from 36 CFR 800.5(a)(2)):

- iv – Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- v – Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features

Consulting parties will be provided a copy of FHWA's findings and determinations in accordance with FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

for: Robert Dicks  
John R. Baxter, P.E.  
Division Administrator

7/8/02  
Approved Date



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Frank O'Bannon, Governor  
John Goss, Director



November 1, 2002

James E. Juricic  
Environmental Assessment Section  
Environment, Planning, and Engineering Division  
Indiana Department of Transportation  
100 North Senate Avenue, Room N848  
Indianapolis, Indiana 46204-2249

Federal Agency: Federal Highway Administration

Re: Draft environmental impact statement FHWA-IN-EIS-02-02-D for the SR 25 new road construction from the I-65 interchange to US 24

Dear Mr. Juricic:

Pursuant to the National Environmental Policy Act of 1969, as amended, the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated and received by the Indiana SHPO on August 29, 2002, for the above indicated project in Cass, Carroll, and Tippecanoe counties, Indiana.

This document accurately reflects the archaeological concerns expressed in earlier reviews. We will comment on the remaining archaeological concerns when the reports are submitted for review and comment.

Regarding the proposed project's impacts on historic buildings and structures, we are in substantial agreement with the draft environmental impact statement's characterizations of those impacts. We look forward to participating in future discussions of possible mitigation measures for the adverse impacts.

If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about historic buildings or structures involved in this project should be directed to John Carr at the same telephone number.

Very truly yours,

  
Jon C. Smith

Deputy State Historic Preservation Officer

JCS:WLM:JLC:wlm

cc: John Baxter, Division Administrator, Federal Highway Administration  
Janice Osadcuk, Indiana Department of Transportation  
David Smith, Qk4

**EXHIBIT D**

**Hold Harmless Affidavit**

STATE OF INDIANA       )  
  )SS:  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

Comes now the Affiant(s), \_\_\_\_\_, and swear and affirm to the following:.

- 1)       That the above Affiant(s) shall **hold harmless and indemnify** the State of Indiana and its agent Indiana Department of Transportation and accept the property transfer through Quit Claim Deed without any Warrants and receive property As-Is.

SUBSCRIBED AND SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Affiant's printed name

\_\_\_\_\_

Affiant's signature

State of Indiana       )  
  ) SS:  
County of \_\_\_\_\_ )

Subscribed and sworn to before me a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public

A Resident of \_\_\_\_\_ County Indiana  
My Commission expires: \_\_\_\_\_